

APPLYING FOR LEGAL SERVICES

Leaflet No. 10



LEGAL AID BOARD

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LEAFLET No. 10 - HOW TO COMPLETE YOUR APPLICATION FOR LEGAL SERVICES FORM

Remember:

You will need to include the following with your application:

- A recent payslip/P60 if you work.
- A recent social welfare receipt if you claim social welfare (a letter from the Department of Social Protection giving details of your payment will suffice if you do not receive your social welfare through the Post Office)
- Your most recent Notice of Assessment from Revenue/Audited Accounts if you are self employed (a recent set of accounts will suffice if last year's Notice of Assessment is not yet available)
- Depending on what you want legal services for, Photo ID and proof of address:
 - Photo ID: usually a passport or driving licence.
 - Proof of Address: usually a copy of a household bill or bank statement.
- A copy of any court proceedings or orders made in the last twelve months related to your case.
- Approximate values of all your capital assets except the house you live in.
- Values of any savings you have.
- Details of your monthly mortgage/rent payments.
- Outstanding amounts of any loans/debts that you have.

Sometimes, for verification purposes, we may need you to submit more documentation. We will tell you if that is the case.

Please submit copies of the documents. Do not send originals in the post.

If you do not supply us with proof of your income, we will have to write back to you. This will delay processing your application, as we will not be able to consider your application until this is received.

Have you any special needs?

The law centre will be happy to assist you in filling in the form. You should contact them in advance of your visit to discuss your needs.

Do you require an interpreter?

Contact the law centre for assistance.

The Application for Legal Services form allows you to make an application for civil legal aid and advice to the Legal Aid Board.

Civil legal services available from the Board comprise of

- advice about your problem - called legal advice; and
- representation in court - called legal aid.

The purpose of the form is to give us the information we need to decide if we can help you with your problem and if you qualify financially for legal services. If you qualify, you will be placed on an applications record in the law centre and we will offer you an appointment for advice when we can do so. If, following your advice appointment, you require representation in court

a solicitor will make an application to our Head Office on your behalf to allow them to represent you in Court. We will need further information on your case in order to make that decision, but your solicitor will explain more about that at your advice appointment.

To apply for legal services, you must **fully complete** the application form and return it to your nearest law centre. You must also attach proof of income as outlined on the form. In most cases you will also need to include photo ID and proof of address. You are not required to submit photo ID and proof of address if there is no financial or property element to your case. If an application form is not fully completed and/or the required proof of income is not attached, we will have to write back to you and ask you for the missing information/documents. This will delay us processing your application.

Before you apply

If your problem is about your marriage/civil partnership or children, we also run a family mediation service which can help you come to an agreement to resolve your problem. This service facilitates a timely resolution of such matters without going to court. If you wish to obtain information about family mediation, contact details can be found at www.legalaidboard.ie.

1. Personal information and details of application

The first part of the form is for your own personal details and the details of the matter for which you want to apply for legal services. It is important that you complete this part of the form fully. Please fill in every box unless it does not apply to you. If you do not want us to contact you at your own address, you must provide us with an alternative address where we can contact you. A family law matter is one involving your marriage, other private relationship or children. Examples of family law matters are a divorce or separation, an application to be appointed a guardian of your children, or matters to do with the care and control of your children. A non-family matter covers anything that is not a family law matter.

Please try to give us as much details as you can in the space provided. We need this information so that we can determine, in the first instance, whether the matter you are applying for legal services for is a matter we can deal with. If you applied to us for legal services previously you should give us the details.

2. Statement of income and assets

We have limited resources and cannot assist everyone who makes an application. For this reason the Government has set limits on a person's disposable income and capital assets and if your income or assets are greater than these amounts, we cannot provide you with legal services.

Part A: My only source of income is social welfare

If your only source of income is social welfare, and the total value of property that you own (apart from the house you live in) is below €4,000, you can tick the box in part A. You do not need to make a full statement and can go straight to the back page of the form to sign the declaration.

However you should only tick this box if you are satisfied that:

- your only source of income is social welfare. If you have any other form of income - a part time job, or a former spouse/partner is paying you maintenance for you or your children, you must complete a full statement of income and assets; and

- your assets are worth less than €4,000. This includes your car and any savings that you have in a bank. It does not include the house you live in. If you are not sure, you should complete a full statement of income and assets.

Part B: Details of my income

This section of the form asks you for details of your income and certain expenses.

When assessing your entitlement to legal services, we grant what are known as “allowances”, which are deductions from your annual income based on these expenses. These allowances are given for certain deductions from your salary/occupational pension, the costs of your accommodation, childcare, and if you have a spouse/partner and/or children dependant on you or you are paying maintenance towards. Please note that allowances are not given for any other expenses, such as telephone, electricity, and gas bills, doctor’s fees or hospital bills, travel costs, etc. The allowances which we can grant are decided by the Government from time to time and the Board has no power to take anything else into account when calculating your disposable income.

The form is designed to help us apply the allowances to which you are entitled. You must make sure to complete it fully.

- Details of my employment/pension
 - Indicate whether you are being paid weekly, fortnightly, or monthly.
 - Enter what you are being paid before deductions.
 - Enter the pay period for the payslip you are enclosing (if you are paid weekly this may be labelled “number of insurable weeks”). If you do not know this, you do not have to complete this box.
 - Enter what you are paying in income tax (PAYE), PRSI, and universal social charge. You must enclose your most recent payslip.
 - If you are in temporary employment and your contract will cease within the next twelve months, a copy of your contract or letter from your employer stating your termination date will need to be furnished, otherwise we will assess you on the basis of a twelve month period.
- Social welfare
 - Enter the name of the payment and amount you are receiving per week from the Department of Social Protection. List each separate payment/benefit separately. Spaces are provided for Fuel Allowance and Mortgage Interest Supplement/Rent Supplement/Rent Allowance.
 - If you need more space, enclose a separate sheet.
 - Most people only receive fuel allowance during the winter. If you are applying during the summer, you should enter the amount you normally receive during the winter. We take into account that this payment is only received for six months of the year.
 - You must enclose proof of each social welfare payment you are in receipt of this. This will normally be a Post Office receipt or proof that payment is being made into your bank account. Alternatively a letter from Intreo/the Social Welfare Local Office stating that you are in receipt of the payment will suffice.

- Other source: this could include:
 - Community Employment Scheme;
 - SOLAS (formerly FÁS) course;
 - dividends from shares in public limited companies;
 - interest from deposits; or
 - Income from property.
- Maintenance received: you need to state the maintenance you are being paid and whether this maintenance is paid for your own upkeep or that of your children.
- Business: this applies to those who are self-employed and not treated as a PAYE employee for payroll purposes, such as sole traders, partners, contractors, and farmers. You must produce your most recent Notice of Assessment from Revenue, or your most recent set of audited accounts.
- Benefits in kind: this includes any payment from your employment which is not in the form of wages/salary, such as a company car. If this section applies to you, you should contact the Law Centre and discuss this.
- Cost of my accommodation: this normally means rent or mortgage payments; you need to state the amount and the frequency of these payments.
- You should indicate how much in total you pay for childcare and how many children you have in childcare.
- Spouse/Partner: if you are living with your spouse or partner you should indicate that here.
- A partner means a civil partner or a person with whom you are in a relationship and living with for over five years if you have no children together, or over two years if you have children together. If you are not living with your spouse, you can still claim an allowance providing you are paying maintenance.
- Dependent Children: You must insert the number of dependent children or stepchildren you have that are living with you. However, you may include children that are away at boarding school or college and who normally return during the holidays. If you are paying maintenance towards a child that does not live with you, you should indicate in the space how many children and how much you pay towards each child.
- Other Dependants: You must insert the number of other dependants you have. They must be living with you. You must indicate the reason why they are dependant.

Part C: Details of my assets

In this section you must declare details of all your assets of a capital nature, except for the house you live in. However, if you do not have capital assets valued in total at more than €4,000, you can tick the box and proceed to the declaration on the last page.

- My car: Enter the details of the make and model, year, and estimated value of your car, along with the amount remaining on any car loan.
- My cash on hand or in the bank: Enter the details of any cash you hold personally or a bank, buildings society, credit union or other financial institution
- Other assets that I own: This can include:
 - any real property - land, investment properties, second houses - that you own other than the house you live in.
 - any shares you own in a limited company, including a credit union.
 - any expensive jewellery or works of art that you own.

- any government bonds, NTMA State Savings or UK National Savings and Investments products or anything similar .
- If you took out a loan or mortgage to finance the purchase of the asset, you should include the amount outstanding on the mortgage/loan.
- Other loans outstanding: Enter the details of the loan, the amount outstanding and the monthly repayment amount.
- Other debts due to be paid in the next year: This can include bills in substantial arrears, maintenance arrears which have not been paid, court judgements outstanding against you that have not been enforced, or an overdraft in arrears. You should not include ordinary household bills in this, unless they have been passed to a credit control department/debt collection agency and the next step will be for the organisation/agency to issue legal proceedings against you.

As with income we take into account certain allowances when calculating your disposable capital. We take into account the full amount outstanding on any loan taken out to purchase a capital asset, twelve months worth of repayments (up to a maximum of the amount outstanding) on any other loan you have, and any other legally enforceable debts.

As with the income allowances, these allowances are decided by the Government from time to time and the Board has no power to take anything else into account when calculating your disposable capital.

Applying for Civil Legal Aid and Advice

Apply online

You can apply for civil legal aid and advice online - **www.legallaidboard.ie** if you live in the Republic of Ireland and have access to a PC/Laptop with internet access.

Apply by post or in person

Alternatively you can apply by calling into, telephoning or writing to your nearest law centre. You should fully complete the application form which is available on the website in a printable format and return to your nearest law centre.

Declaration

When you make an application to the Legal Aid Board, you are declaring that the information you have given on the form is full and correct. We may ask certain agencies, such as the Department of Social Protection, the Revenue Commissioners, and the Valuation Office, to verify that the details you give us are correct. We do not ask them in every case, but do spot checks on occasion.

Once a case is started you may be asked to make a sworn statement of your finances. We occasionally find that sources of income, or capital assets, which were omitted from the application form, are included in a sworn statement. There are other times when it comes to our attention that the information on the form was not correct. If this happens we will re-assess your financial eligibility, which means you will have to fill in the form and be assessed again.

We may:

- Ask you to pay a higher contribution;
- Terminate your legal aid certificate, which means that we stop your legal aid at that point and we may require you to pay back what it cost us to represent you up until then;

- Revoke your legal aid certificate, which means we take away your legal aid and you must pay us back what it cost us to represent you up until then.

It is important therefore, that you fill in the form completely and without omitting anything

relevant to the application. By signing the declaration you give us permission to obtain any information about your case which we may require. We need this permission to be able to act on your behalf.

Paying for your legal services

Is it free?

Civil Legal aid and advice is not free. You will have to make a payment, called a contribution when you first see a solicitor. You will have to make a further payment if we agree to represent you in Court. The amount of contribution(s) will depend on your disposable income and assets. However, you will not need to pay anything if the Child and Family Agency (formerly HSE) is taking proceedings to take your children into care or in certain other special circumstances.

When you first see a solicitor you will have to pay an **advice contribution**.

The minimum advice contribution is **€30**.

If we agree to represent you in Court, you must pay an **aid contribution**. The minimum aid contribution is **€130**. Depending on your disposable income and capital, you may be asked to pay more. The amount of the aid contribution includes the advice contribution, so in the case where your contribution is calculated at **€130**, you may be asked to pay a further **€100**. We will tell you what your contributions will be before you see a solicitor. You should talk to a member of staff if paying a contribution is likely to cause you hardship.

If you are applying for legal aid to help with a claim for international protection in Ireland, you will only need to pay a contribution of **€10**.

In certain circumstances, at the end of your case, if you are awarded money or property, we can ask you to pay back some or all of the cost of your legal aid. Your solicitor will discuss this in further detail if it applies to you.

What happens when legal services have finished?

When legal services have finished, you will be told about this in writing. Any original papers will be returned to you and your file will be closed. After a number of yours, closed files will be destroyed in accordance with Legal Aid Board policy.

You may reapply for legal services at any time for related or other matters. If you are considering applying for legal services you may wish to read some of the Board's other information leaflets including about applying for legal services, and about financial eligibility criteria.

The above is provided for information purposes only. It does not purport to be either a statement of the law or legal advice.

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